

## **Appointment of a Chief Executive and Head of Paid Service to Somerset County Council**

Lead Member: Cllr Bill Revans

Division and Local Member: n/a

Lead Officer: Chris Squire – Director of Customers, Digital & Workforce

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### **1. Summary**

- 1.1.** On 18 March 2022, the Secretary of State made the Somerset (Structural Changes) Order 2022 (SCO). The SCO formalises the decision to implement local government reorganisation in Somerset and sets out the legal framework for implementation. As a result, Somerset County Council is required to carry out a recruitment process to appoint a Chief Executive for the new council.
- 1.2.** Council Leaders endorsed the commencement of the recruitment campaign prior to the elections in May. This was to meet the ambition of concluding the appointment process in July 2022 to meet the Local Government Reorganisation Implementation Plan agreed milestone and to lead the Council's transition to the new Somerset Council.
- 1.3.** The Council has a legal duty to designate one of its officers as its Head of Paid Service. Section 7.5 of the County Council's Constitution designates the role of the Head of Paid Service and Returning Officer for local elections to the post of Chief Executive.
- 1.4.** The meeting of the Appointments Panel on 6<sup>th</sup> June 2022 agreed final recommendations to be made to the Council, for changes to the terms & conditions of employment for the chief executive role. These changes were presented to an extraordinary meeting of the Council on 15<sup>th</sup> June 2022 and were agreed following amendments to the salary and probationary period for the role.
- 1.5.** The interview panels for the appointment were held on 11<sup>th</sup> & 12<sup>th</sup> July 2022, with the Appointments Committee meeting on 12<sup>th</sup> July to take a decision on the recommendation of a candidate to the Council on 20<sup>th</sup> July.
- 1.6.** The appointment will be to Somerset County Council, as Chief Executive, and Designate Chief Executive to Somerset Council. The role will therefore continue as Chief Executive of Somerset Council, from 1<sup>st</sup> April 2023.
- 1.7.** The Appointments Committee, at its meeting on 12<sup>th</sup> July and following feedback from all interview panels, resolved to recommend to the meeting of Full Council on 20<sup>th</sup> July that Mr Duncan Sharkey be appointed to the post of Chief Executive & Head of Paid Service of Somerset County Council and, from 1<sup>st</sup> April 2023, Somerset Council. The appointment is made in accordance with the terms and conditions governing the post and agreed at the extraordinary meeting of Council on 15<sup>th</sup> June 2022.

## **2. Recommendations**

- 2.1.** That the Council accepts the recommendation of the Appointments Committee to appoint Mr Duncan Sharkey as the permanent Chief Executive and Head of Paid Service of Somerset County Council and the Chief Executive and Head of Paid Service of Somerset Council with effect from 1 April 2023.
- 2.2.** To appoint on the basis of the terms and conditions agreed at the Extraordinary Council meeting on 15 June 2022 and on a spot salary for the post of £195,000 including Returning Officer Fees.

## **3. Legal Requirements**

- 3.1.** The merger of one or more organisations into another will result in the transfer of staff under relevant TUPE legislation. In the case of local government reorganisation, this is confirmed in Regulation 3 of the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008. The only caveat in respect of this relates to the position of the Head of Paid Service (aka Chief Executive):
- There is a requirement to recruit a 'Head of Paid Service' for the new single-tier authority through open competition. This must be done in accordance with Schedule 1 of the Local Authorities (Standing Orders) Regulations 1993 (as amended by the 2008 Regulations) (which includes drawing up a job description, advertising the role and interviewing all qualified applicants for the post).
  - The appointment of a Head of Paid Service may be made before the reorganisation date. Where the appointment is made before the reorganisation date it will continue to have effect after the reorganisation date because of Somerset County Council's status as continuing authority.

## **4. Constitutional Requirements**

- 4.1.** Appointment to the post of Chief Executive must be conducted in accordance with relevant legal and constitutional requirements. This will need to follow the requirements set out in the constitution of the continuing authority, in the absence of alternative provisions for the new council. In this case, this will mean using Somerset County Council's Constitution.

### **4.2. Appointments Panel**

The consequence of this is that as part of the process, a proposal to appoint a Chief Executive was put before an appointments' panel. The panel consisted of the Leader, the Opposition Leader and the Deputy Leader of the Council (or their nominated representatives) plus the Leaders of the four district councils as consultees.

The role of the Panel is to review the terms and conditions of employment relating to a post and where changes are required, make appropriate recommendations to the Council, decide on the process and to appoint the Appointments Committee to undertake the appointments' process.

The changes to terms & conditions that were recommended by the Appointments Panel were presented to an extraordinary meeting of the Council on 15th June 2022 and, following amendments to the proposed salary and probationary period,

were agreed.

#### 4.3. Appointments' Committee

The Appointments' Panel agreed the process to appoint to the role and appointed the Appointments' Committee. The Appointments Committee may comprise up to 5 members: The Leader of the Council (or their nominated representative), the leader of the largest opposition group (or their nominated representative), and up to 3 other members of the Council selected in accordance with the rules of political proportionality and including the relevant Executive Member.

For the purpose of recruiting to the post of Chief Executive and Head of Paid Service, the Committee consisted of the same membership as the Appointments Panel, including the four district council leaders as consultees.

The role of the Appointments' Committee is to 'run' the process. This includes agreeing the shortlist for the role, interviewing and then making a recommendation for appointment to the Council. This must be done before an offer of employment is made.

### 5. The Process

- 5.1. The process was designed to broaden engagement and involvement and comprised the following timeline:

Services	Date
Joint Committee briefing on the process	February 2022
Appointments Panel set-up	February 2022
Procurement process to engage a recruitment company	February/March 2022
Search and advertising commenced	28th April 2022
Reconvened Appointments Panel (following May election) – approval of salary, job description & process	6 <sup>th</sup> June 2022
Closing date	9 <sup>th</sup> June 2022
Sift Report and Recommendations sent to the Committee	14 <sup>th</sup> June 2022
Extraordinary Meeting of the Council	15 <sup>th</sup> June 2022
Longlist meeting	17 <sup>th</sup> June 2022
Preliminary/Technical Interviews:	22 <sup>nd</sup> - 23 <sup>rd</sup> June 2022
Shortlist meeting:	1 <sup>st</sup> July 2022
Executive Profiling/Psychometrics/Due diligence/ Conversations with referees	w/c 04 July
Panel Interviews	11 <sup>th</sup> & 12 <sup>th</sup> July
Meeting of the Appointments Committee to agree its recommendation to appoint	12 <sup>th</sup> July
Appointment Committee's Recommendation of the successful candidate to the Council.	20 <sup>th</sup> July

#### 5.2. Panel Interviews

The panel interviews comprised the following:

<b>Partners</b>	Organisations represented included Somerset Community Foundation, Environment Agency, NHS Integrated Care Board, Local Enterprise Partnership, Bridgwater & Taunton College, Leonardo Helicopters, Exmoor National Park
<b>Staff</b>	24 staff representing all five Somerset local authorities

<b>Senior Managers</b>	Eight senior managers representing all five Somerset local authorities
<b>Young People</b>	Three representatives from the Somerset Youth Parliament and the Unstoppables
<b>Leader/Deputy Leader</b>	Conversation with the Leader and Deputy Leader of Somerset County Council
<b>Elected Members</b>	Ten elected members from Somerset County Council, nominated on a politically proportionate basis
<b>Appointments Committee</b>	Appointments Committee plus the Leaders from the four district councils, as consultees

**5.3.** The recruitment procedure followed Somerset County Council's policy and safer recruitment standards. The Appointments Committee received training in advance of the interview process.

**5.4.** At its meeting on 12<sup>th</sup> July 2022, the Appointments Committee decided to recommend to the Council that Mr Duncan Sharkey be appointed to the post of Chief Executive & Head of Paid Service of Somerset County Council. It further decided to authorise the Director of Customers, Digital & Workforce, Chris Squire, to negotiate the terms & conditions of the appointment with Mr Sharkey, in accordance with those terms that were agreed at a meeting of Council on 15<sup>th</sup> June.

## **6. Implications**

**6.1.** The effect of article 3 of the Somerset (Structural Changes) Order 2022 is to make Somerset County Council the legal entity which adopts the functions of the district councils in Somerset on 1<sup>st</sup> April 2022. The change in name to Somerset Council and the adoption of the district functions by the Council on the reorganisation date will have no impact on the employment contracts of officers of the Council.

**6.2.** Paragraph 1 of Part 1 of Schedule 1 to the Local Authorities (Standing Orders) Regulations 1993 as amended by article 4 of the Local Government (Structural and Boundary Changes) (Staffing) Regulations 2008 requires the Council to recruit and appoint a Head of Paid Service during the period from the date on which the Somerset (Structural Changes) Order 2022 comes into effect (18<sup>th</sup> March 2022) and the date which is 12 months after the reorganisation date (1<sup>st</sup> April 2024).

**6.3.** Section 4(1)(a) of the Local Government and Housing Act 1989 requires the Council to designate one of its officers as its Head of Paid Service.

**6.4.** The Chief Executive is the Head of Paid Service under Part 1, Section 7 paragraph 7.1.1 of the Constitution.

**6.5.** The appointment of a chief executive must be approved by the Council, under paragraph 7.1.10(b) of the Constitution.

## **7.0 Background Papers**

Report to Extraordinary Council meeting on 15 June 2022  
Somerset Structural Changes Order 2022 - March 2022  
Officer Arrangements as set out in the Council's Constitution

